

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for August 22, 2016

- I. **ROLL CALL:** The meeting was held in the City Council Chambers on the first floor of City Hall and was called to order at 5:30 p.m. Chairperson, Bruce Damon, chaired the meeting.

Members in Attendance: Bruce Damon, Normand Anctil, Sandra Marquis, Paul Madore, Pauline Gudas and Michael Marcotte

Members Absent: Walter Hill

Associate Members Present: Sonia Taylor and Zachary Pettengill

Staff Present: David Hediger, City Planner and Deb Nichols, Administrative Assistant

- II. **ADJUSTMENT TO THE AGENDA:** None

- III. **CORRESPONDENCE:**

David noted a portion of the packet relating to 117 Webster Street was not included with Friday's delivery; the board members confirmed receipt of the missing information. This information was emailed today and hard copies were provided at the meeting.

Chairperson Bruce Damon read the Planning Board Rules.

Zachary Pettengill was appointed an official voting member for this meeting due to the absence of Walter Hill.

- IV. **MID-YEAR ELECTION OF OFFICERS: Election of Vice Chairperson and Secretary**

Bruce Damon asked for nominations for Vice Chair. Paul Madore made a point of order in regard to the January 2016 meeting minutes. He read from the minutes. Walter Hill was elected to serve as Vice Chair for the first six months and he said the intent was that Mike Marcotte would serve for the next six months. Paul said he does not feel there should be another election. He stated he would like to adhere to what is stated in the January 2016 minutes. Sandra Marquis said her impression was that a second vote was necessary. David Hediger said that was his understanding, as well.

The following motion was made:

MOTION: by Michael Marcotte to move this item to the end of the agenda.
Second by Sandra Marquis.

VOTED: 7-0 (Passed)

V. PUBLIC HEARING:

- a) A proposal submitted by Stoneybrook Consultants, Inc. on behalf of Jamey Pittman to conditionally rezone the property at 117 Webster Street from the Neighborhood Conservation "A" *district to the Downtown Residential district to allow accessory uses to support* the existing commercial/multifamily dwelling at 111 Webster Street.

David gave a summary of the application. Mike Gotto, Stoneybrook Consultants, Inc. gave a presentation. Normand asked what the future accessory structures might be and Mr. Gotto said that it was unknown at this time, but it may be garages and/or shed for tenant storage.

Michael Marcotte asked if the request was identical to the other parcel at 111 Webster Street and Mr. Gotto said single family and multi family units will not be allowed with the proposed conditional rezoning at 117 Webster Street. Jamey Pittman, owner of 111 and 117 Webster Street said garages and storage units may be added in the future.

Michael Marcotte also asked about fencing and Mr. Gotto said a chain link fence with slats in it has been installed along the back property line and it is intended along one side as well.

Pauline commented that Mr. Pittman should be commended for taking care of the vacant lot and getting the neighbor's thoughts on the matter.

Public Comments None

Public Comments Closed

The following motion was made:

MOTION: by **Michael Marcotte** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration based upon the proposal submitted by Stoneybrook Consultants, Inc. on behalf of Jamey Pittman to conditionally rezone the property at 117 Webster Street from the Neighborhood Conservation "A" district to the Downtown Residential district to allow accessory uses to support the existing commercial/multifamily dwelling at 111 Webster Street. Second by **Paul Madore**.

VOTED: **7-0 (Passed)**

- b) An Application submitted by Sebago Technics on behalf of VIP, Inc. to create a 59 space parking lot at their facility located at 12 Lexington Street.

Michael Marcotte recused himself because he is an employee of the applicant. Sonia was appointed full voting member for this item.

David gave a summary of the application and Dan Riley, Sebago Technics gave his presentation. Representatives from VIP were in attendance.

Bruce asked about snow removal and the Dan Riley said it will be managed by the property owner and will most likely be stockpiled on the east end of the property.

Public Comments None

Public Comments Closed

The following motion was made:

MOTION: by **Normand Anctil** that the application, submitted by Sebago Technics on behalf of VIP, Inc. to create a 59 space parking lot at their facility located at 12 Lexington, meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article XIII, Section 4 of the Zoning and Land Use Code and that approval be granted. Second by **Sandy Marquis**.

VOTED: **7-0 (Passed)**

Michael Marcotte rejoined the Board, having recused himself for only this item. Sonia became a non-voting associate member.

- c) A request by Cathy E.B. Gray and Simeon A. Gray for a use determination to establish a year-round educational campground that primarily hosts children and homeschooled families to learn about the outdoors and nature related activities as being substantially similar to and compatible with permitted or conditional uses in the Rural Agricultural (RA) district at 49 Old Farm Road.

David gave a summary of the application.

Bruce asked if this property was adjacent to Don Arel's and David said yes. This property is owned by Kathy and Simeon Gray.

Kathy and Simeon made a presentation. Kathy described the intent of the proposal. Bruce asked about how many people would be there at any one time and she said 25 would be a very large number at one time. Bruce asked about parking and traffic and Kathy said it would be a drop off mostly and there already is a spot for 12 vehicles.

Normand asked about parking or showing facilities for overnight camping and Kathy said they would like to have four campsites with outhouses at each site but no showering facilities. The camping would be offered along with year round activities.

Public Comments

Don Arel, 50 Old Farm Road, is an abutter and supports the project but has one concern. He said there is a property boundary dispute and would like to know where the proposed campsites are and said that he does not want their campsites on land that may not be theirs. Other than that, he is in support. Bruce asked how much land was in dispute and Don said 11 acres. Kathy said it was only six acres and they are not proposing to do any activity on the land in dispute at this time.

Public Comments Closed

Normand asked what qualifications the applicants have and Kathy said her son has been in training for six years to teach various subjects and they hoped the programs will be financially self-supporting. Simeon said this will mainly be a time and work investment and not a large financial expense.

The following motion was made:

MOTION: by **Paul Madore** pursuant to Article VII, Section 4 and Article V, Section 3(g) of the Zoning and Land Use Code of the Zoning and Land Use Code, finding that the request by Cathy E. B. Gray and Simeon A. Gray for a use determination to establish a year-round educational campground at 49 Old Farm Road, that primarily hosts children and homeschooled families to learn about the outdoors and nature related activities, is substantially similar to and compatible with permitted or conditional uses in the Rural Agricultural (RA) district and that said use shall be regulated as a conditional use subject to Planning Board approval. Second by **Normand Anttil**.

VOTED: 7-0 (Passed)

David said site plan approval from the Planning Board and use permit will be necessary.

- d) A proposed amendment to Appendix A, Article V, Section 3(aa) of the Zoning and Land Use Code to allow the keeping of up to six chickens in residential zoning districts, with the exception of the Neighborhood Conservation "B" (NCB) district, on lots of no less than 30,000 square feet developed with single family detached dwellings including mobile homes on individual lots pursuant to the proposed provisions contained in Chapter 14, Article XIII, Sec 1445 thru 1453.

David read the proposal and Bruce asked for comments from the Board. David indicated on a map the location of the NCB district.

Michael clarified the recommendation and there was a discussion. He suggested listing the districts specifically and David agreed this would be a good idea. Zachary said it would be good to further clarify which districts are allowed to have chickens so there would be no ambiguity.

Bruce suggested specifically excluding roosters. Michael suggested stating up to six female chickens are allowed.

Paul noted that free range is not allowed, but said a hen house that is fenced in is considered free range.

Sonia said narrowing the ordinance down and providing clarity makes her much more comfortable.

Bruce said his thoughts are when there is a reported violation, it becomes encumbered upon staff to follow-up with what the code of ordinance specifies and in the Suzuki's' situation, the violation was allowed to continue for too long and the neighbor's concerns were not being considered. He said the Planning Board should ensure there will be adequate enforcement of violations. Paul said this is a well-made point. He said we live in an age when people want to have more control over the food they eat and that he is in support of this ordinance.

Public Comments

Michael and Patricia Adams, 17 Bonnaille Way – Michael said he was originally opposed to chickens in this area and still is opposed. He is concerned with them being allowed in the NCA district and would like this area excluded.

Public Comment Closed

Normand asked about grandfathering and Bruce said no, as there is already a standing ordinance that is more strict than this proposed one. David provided a scenario in which a grandfathered situation would be allowed.

Pauline and Sandy said they do not believe people in residential areas should have chickens.

The following motions were made:

MOTION: by **Michael Marcotte** pursuant to Article VII, Sections 3 and 4 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration a proposed amendment to Article V, Section 3(aa) of the Zoning and Land Use Code to allow the keeping of up to six female chickens limited to the Rural-Agricultural (RA), Low Density Residential (LDR), Suburban Residential (SR), Medium Density Residential (MDR), and the Neighborhood Conservation "A" (NCA) districts, on lots of no less than 30,000 square feet developed with single family detached dwellings, including mobile homes on individual lots. Second by **Paul Madore**.

VOTED: 5-2 (Passed)
Sandra Marquis & Pauline Gudas Opposed

MOTION: by **Michael Marcotte** pursuant to send a favorable recommendation for the City Council's consideration an amendment to the Code of Ordinances Chapter 14 Animals, Article VII. Keeping of Non-Domestic Animals, Division 4. Keeping of Female Chickens on Lots Developed with Single Family Detached Dwellings Including Mobile Homes on Individual Lots. Second by **Paul Madore**.

VOTED: 5-2 (Passed)
Sandra Marquis & Pauline Gudas Opposed

- e) A proposed amendment to Appendix A, Article XI, Section 23, Space and Bulk requirements, Net Lot Area Requirements of the Neighborhood Conservation "B" (NCB) district. The proposed amendment to the net lot area per dwelling unit calculation shall be the average lot area per dwelling unit of impacted properties utilizing current dwelling unit density versus inflated lot sizes and neighborhood densities that existed in December 1987.

David gave a summary and referred to a map. He said the purpose of this will be to use current dwelling unit numbers based upon the assessor's records instead of having to go back and research density numbers from 1987.

Bruce asked about how demolished buildings factor into the calculations and David said vacant lots are not factored. Bruce restated the Council is looking to revise the calculation formula and David said that is correct.

Michael asked about a property at 210 College Street and David said that was rezoned because the owner wanted a lodging house. David said the new proposed calculation formula would ultimately increase the density, but not by much. Parking will be the next issue to be addressed. David said this change will make it much more user friendly for staff and property owners in determining the number of units allowed in the NCB.

Paul mentioned Portland recently approved 94 units with very little parking provided and David said Portland is very different than Lewiston with respect to parking provisions.

The following motion was made:

MOTION: by **Paul Madore** pursuant to Article VII, Sections 3 and 4 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to adopt a proposed amendment to Article XI, Section 23, Space and Bulk Requirements, Net Lot Area Requirements of the Neighborhood Conservation "B" (NCB) district. Second by **Zachary Pettengill**.

VOTED: 7-0 (Passed)

VI. OTHER BUSINESS:

- a) Request of the Planning Board to initiate an amendment to Article XIII of the Zoning and Land Use Code to adopt the Maine Department of Environmental Protection's Chapter 500 Stormwater Management rules.

David said an amendment is needed to reference new provisions for DEP storm water management rules in order for Lewiston to keep their delegated review authority. If this is not approved, the applicants will have to get approval through DEP instead of dealing directly with the city. It is faster, efficient, and less expensive process to deal with the city.

The following motion was made:

MOTION: by **Normand Ancil** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code directing staff to prepare a proposed amendment to the Zoning and Land Use Code to reference the newly adopted Maine Department of Environmental Protection's Chapter 500 Storm Water Management rules. Second by **Paul Madore**.

VOTED: 7-0 (Passed)

- b) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board. None

IV. MID-YEAR ELECTION OF OFFICERS: Election of Vice Chairperson and Secretary

Discussion resumed.

Paul Madore felt there was a deadlock on the matter. It was his understanding the vice chair and secretary positions would be shared between Walter and Michael as the Board moved forward and as it was recorded in the January minutes.

Sandra said she recalled there was a tie vote in January and therefore, a six month term was suggested. She would like to start a new vote. Zachary said his recollection was there was to be a vote on the two terms.

Sonia asked about rules. David said if there is a general agreement with the Board for a six month term to be swapped between the two, that is fine. Normand said his recollection is that one term was for six months, to be followed by the next person for six months.

Bruce wanted to clarify the record suggested another vote should be taken now to confirm what was voted in January. Bruce called for a nomination for someone to fill the role of Vice Chair and Secretary.

Paul restated the intent of the January minutes and said there is no need for a new vote. Paul has a serious issue with the nomination because Pauline Gudas

is a spouse of an employee of the city. He stated other issues he had with Pauline's possible leadership style. He said he feels strongly about this. Bruce said all members are appointed by the Mayor and if there was a conflict this should have been vetted by the Mayor. Paul said he brought his concerns to the Mayor. Pauline said Paul's behavior was bordering on harassment and intimidation and suggested the matter of a possible conflict be referred to an attorney.

The following motion was made:

MOTION: by **Zachary Pettingill** to elect Pauline Gudas as Vice Chair.
Second by **Sandra Marquis**.

VOTED: 2-5 (Failed, Zachary and Sandra in favor)

The following motion was made:

MOTION: by **Paul Madore** to elect Michael Marcotte as Vice Chair. Second by **Sonia Taylor**.

VOTED: 4-2-1 (Passed)
Michael Marcotte Abstained. Zachary and Sandra opposed. Normand Ancil and Bruce Damon noted their vote reflects what is specified in the January minutes.

The following motion was made:

MOTION: by **Paul Madore** to elect Walter Hill as Secretary. Second by **Normand Ancil**.

VOTED: 6-0-1 (Passed)
Pauline Gudas Abstained

VII. READING OF MINUTES: Adoption of the July 25, 2016 draft minutes.

The following motion was made:

MOTION: by **Normand Ancil** to accept the July 25, 2016 draft minutes as presented. Second by **Paul Madore**.

VOTED: 7-0 (Passed)

VIII. ADJOURNMENT: The following motion was made to adjourn.

MOTION: by **Sandra Marquis** that this meeting adjourns at 8:15 p.m.
Second by **Pauline Gudas**.

VOTED: 7-0 (Passed)

The next regularly scheduled meeting is for Monday, September 12, 2016 at 5:30 p.m.

Respectfully Submitted:

Michael Marcotte

Michael Marcotte, Secretary

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